

RESEARCH APPENDIX

Date Transfer Requested: 11/30/2018 (Per: CMH)

☞ Appendix EE ... has been added to the 2017 LRB-6074

Appendix A ☞ LRB 17-5979

Appendix B ☞ LRB 17-5982

Appendix C ☞ LRB 17-5983

Appendix D ☞ LRB 17-5985

Appendix E ☞ LRB 17-5986

Appendix F ☞ LRB 17-5989

Appendix G ☞ LRB 17-5990

Appendix H ☞ LRB 17-5995

Appendix I ☞ LRB 17-5998

Appendix J ☞ LRB 17-6001

Appendix K ☞ LRB 17-6004

Appendix L ☞ LRB 17-6006

Appendix M ☞ LRB 17-6007

Appendix N ☞ LRB 17-6012

Appendix O ☞ LRB 17-6015

Appendix P ☞ LRB 17-6017

Appendix Q ☞ LRB 17-6019

Appendix R ☞ LRB 17-6021

Appendix S ☞ LRB 17-6023

Appendix T ☞ LRB 17-6024

Appendix U ☞ LRB 17-6025

Appendix V ☞ LRB 17-6027

Appendix W ☞ LRB 17-6028

Appendix X ☞ LRB 17-6031

Appendix Y ☞ LRB 17-6036

Appendix Z ☞ LRB 17-6037

Appendix AA ☞ LRB 17-6038

Appendix BB ☞ LRB 17-6039

Appendix CC ☞ LRB 17-6040

Appendix DD ☞ LRB 17-6041

Appendix EE ☞ LRB 17-6042

Appendix FF ☞ LRB 17-6043

Appendix GG ☞ LRB 17-6046

Appendix HH ☞ LRB 17-6047

Appendix II ☞ LRB 17-6048

Appendix JJ ☞ LRB 17-6049

Appendix KK ☞ LRB 17-6050

Appendix LL ☞ LRB 17-6051

Appendix MM ☞ LRB 17-6052

Appendix NN ☞ LRB 17-6058

Appendix OO ☞ LRB 17-6059

Appendix PP ☞ LRB 17-6065

Appendix QQ ☞ LRB 17-6067

2017 DRAFTING REQUEST

Bill

For: **Robin Vos (608) 266-9171** Drafter: **tdodge**
 By: **Steve** Secondary Drafters:
 Date: **11/20/2018** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Vos@legis.wisconsin.gov**
 Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**
steve.fawcett@legis.wisconsin.gov
Alicia.Schweitzer@legis.wisconsin.gov
Abbey.Fabick@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Legislative approval and oversight of waivers and pilot programs

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 11/21/2018				
/P1	tdodge 11/28/2018	kfollett 11/29/2018	jmurphy 11/21/2018		
/P2		kfollett 11/30/2018	mbarman 11/29/2018		
/P3	tdodge	kfollett	dwalker		

LRB-6042

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	11/30/2018	11/30/2018	11/30/2018		

/P4

lparisi
11/30/2018

FE Sent For:

<END>



11/20

Meeting w/ Vos office staff

- Any state agency

[JCF may delegate to standing]

Legislative approval (must pass bill) - waiver, renewal, modification, suspension, termination, pilot project

Reports to JCF at all stages

• Application

60 day rpt - include timeline not to exceed 90 days, 3 extensions from JCF (passive review)

Brief on submission approval before submission - exempt from Bill

• After submission - negotiation stage

Biweekly calls w/ fed partner

Monthly progress reports - JCF

Quarterly appearances - JCF

Put federal refusals in writing

Proposed final STC - JCF approve or disapprove but not modify

• After any approval

Implementation plan - 60 days from approval

Monthly summaries

Quarterly appearances

Approval of final implementation plan by JCF

Renewal

Notification - 9 mo. before expires

If no change - JCF passive review otherwise full

procedure



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6042/P1

TJD:...

keep
JF

Due
Today

In: 11/21

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT ...; relating to:** legislative oversight of requests for waivers of federal law
2 and pilot programs.

This bill

Analysis by the Legislative Reference Bureau

Generally provides for legislative oversight of requests for federal approval. The bill prohibits a state, executive branch agency from submitting a request to a federal agency for a waiver or renewal, modification, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project unless legislation has been enacted specifically directing the submission of the request. For any legislation enacted on or after January 1, 2014, that requires submission of a request that has not yet been submitted, the bill requires the applicable state agency to submit an implementation plan to the Joint Committee on Finance containing an expected timeline with an expected submission date to the federal agency no later than 90 days after the state agency submits the implementation plan to JCF, for which JCF may grant up to three 90-day extensions under its passive review process, and submit its final proposed request to JCF for approval.

Once the request has been submitted to the federal agency, the bill requires the state agency to do all of the following: make biweekly contact with the federal agency to obtain a progress report, submit monthly progress reports to JCF on negotiations with the federal agency including a descriptions of any portions of the request that the federal agency stated will not be approved, make available on a quarterly basis a representative of the state agency for JFC briefings or hearings, and submit the proposed approval as negotiated with the federal agency to JCF for approval or

disapproval before agreeing with the final federal approval. When the federal agency has approved the request in whole or in part and the request has not been fully implemented, the state agency must submit an implementation plan to JCF, submit its final implementation plan to JCF for approval, and make available on a quarterly basis a representative of the state agency for JCF briefings or hearings.

No later than nine months before the expiration of an approved waiver, pilot program, or demonstration project, the state agency must notify JCF of the expiration date and the state agency's intent regarding renewal. If the state agency intends to renew the waiver, program, or project without substantive changes to it, the state agency is not required to comply with all of the procedures specified in the bill for renewal and instead may submit the proposed renewal request for review by JCF under its passive review process.

The chairpersons of JCF may delegate some of the committee's responsibilities under the bill to a legislative standing committee of appropriate subject matter jurisdiction under terms specified by the chairpersons. If JCF determines that the state agency has not made sufficient progress or is not acting in accordance with the enacted legislation requiring the submission of the request, JCF may reduce the agency's appropriation or expenditure authority or change the authorized level of full-time equivalent positions for the agency related to the program for which the request is required to be submitted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.940 of the statutes is created to read:

20.940 Legislative authorization and oversight of requests to federal government. (1) DEFINITION. In this section, "state agency" means any office, department, or independent agency in the executive branch of state government, other than the Board of Regents of the University of Wisconsin System.

(2) LEGISLATIVE AUTHORIZATION REQUIRED. A state agency may not submit a request to a federal agency for a waiver or a renewal, modification, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project unless legislation has been enacted specifically directing the submission of the request for a waiver, renewal, modification, ^{suspension} termination, or authorization.

Suspension?

1 (3) LEGISLATIVE OVERSIGHT OF REQUESTS TO FEDERAL AGENCIES. If submission to
2 a federal agency of a request for a waiver or renewal, modification, or termination
3 of a waiver of federal law or rules or for authorization to implement a pilot program
4 or demonstration project is required in legislation enacted on or after January 1,
5 2014, the state agency that is required to submit the request shall do all of the
6 following that apply:

7 (a) When the request has not been submitted to the applicable federal agency,
8 do all of the following:

9 1. Beginning 60 days after the enactment of the legislation requiring the
10 request or March 1, 2019, whichever is later, submit to the joint committee on finance
11 and, under s. 13.172 (3), an implementation plan describing the state agency's plan
12 for submitting the request including an expected timeline for submitting the request
13 in which the submission date is no later than 90 days after submission of the
14 implementation plan under this subdivision. If the state agency is unable to submit
15 the request by the date specified in the implementation plan, the state agency may
16 request from the joint committee on finance an extension not to exceed 90 days in a
17 written submission that includes a report on the progress toward submission of the
18 request and the reason an extension is needed. If the cochairpersons of the joint
19 committee on finance do not notify the state agency within 14 working days after the
20 date of the request for an extension under this subdivision that the committee has
21 scheduled a meeting for the purpose of reviewing the extension request, the
22 extension is considered granted. If, within 14 working days after the date of the
23 request for an extension under this subdivision, the cochairpersons of the committee
24 notify the state agency that the committee has scheduled a meeting for the purpose
25 of reviewing the extension request, the state agency may consider the extension

1 granted only upon approval by the committee. No more than 3 90-day extensions
2 may be granted under this subdivision.

3 2. When the state agency has finalized its proposed request before submitting
4 the request to the federal agency, submit the proposed request to the joint committee
5 on finance for approval by the committee. The state agency may submit the proposed
6 request to the appropriate federal agency only upon approval by the committee. The
7 procedures under s. 13.10 do not apply to this subdivision.

8 (b) When the request has been submitted to the applicable federal agency but
9 has not been denied or approved by that federal agency, do all of the following:

10 1. Contact no less frequently than biweekly the federal agency considering the
11 request to obtain a progress report on approval of the request.

12 2. Beginning 30 days after the date of submission of the request to the federal
13 agency or March 1, 2019, whichever is later, and monthly thereafter, submit to the
14 joint committee on finance a progress report on negotiations with the federal agency
15 toward approval of the request. The state agency shall include in its monthly report
16 under this subdivision a written description of any portion of the request that the
17 federal agency has stated will not be approved. ^whichever is later,

18 3. Beginning 90 days after the date of submission of the request to the federal
19 agency, or March 1, 2019, and quarterly thereafter, make available to the joint
20 committee on finance a representative of the state agency to brief the committee or
21 provide testimony at a committee hearing at the committee's request. The state
22 agency shall ensure that at least one representative of the state agency appearing
23 in person before the committee has sufficient personal knowledge of the negotiations
24 and progress toward approval of the request to respond to inquiries and requests for
25 information by the committee.

1 4. Before final approval of the request by the federal agency, submit the
2 proposed approval as negotiated with the federal agency to the joint committee on
3 finance for approval or disapproval. The joint committee on finance may approve or
4 disapprove but may not modify the proposed approval as negotiated with the federal
5 agency. The state agency may agree to final approval of the request only upon
6 approval by the joint committee on finance. If the joint committee on finance
7 disapproves, the state agency shall withdraw the request or renegotiate the request
8 with the federal agency and resubmit the proposed approval as renegotiated to the
9 joint committee on finance for approval or disapproval. The procedures under s.
10 13.10 do not apply to this subdivision.

11 (c) When the request has been approved in whole or in part by the applicable
12 federal agency but has not been fully implemented by the applicable state agency, do
13 all of the following:

14 1. Beginning 60 days after the date of approval of any portion of the request by
15 the applicable federal agency, or March 1, 2019, whichever is later, submit to the joint
16 committee on finance an implementation plan for the approved portions of the
17 request including the expected timeline for final implementation of the request in
18 accordance with the federal agency's approval. When the state agency submits an
19 implementation plan that it considers its final implementation plan, the state
20 agency may not implement the approved portions of the request until the joint
21 committee on finance approves the final implementation plan. The procedures
22 under s. 13.10 do not apply to this subdivision.

23 2. Beginning 30 days after the date of submission of the implementation plan
24 and monthly thereafter, submit to the joint committee on finance a progress report
25 on implementation of the approved portions of the request.

1 3. Beginning 90 days after the date of approval of any portion of the request by
2 the federal agency, and quarterly thereafter, make available to the joint committee
3 on finance a representative of the state agency to brief the committee or provide
4 testimony at a committee hearing at the committee's request. The state agency shall
5 ensure that at least one representative of the state agency appearing in person before
6 the committee has sufficient personal knowledge of the negotiations and progress
7 toward approval of the request to respond to inquiries and requests for information
8 by the committee.

9 (4) REQUESTS FOR RENEWAL. No later than 9 months before the expiration of an
10 approved waiver of federal law, pilot program, or demonstration project for which no
11 legislation has been enacted specifying that the waiver, program, or project must be
12 suspended or terminated, the state agency shall submit a written notice to the joint
13 committee on finance of the expiration date and the state agency's intent regarding
14 renewal. If the state agency intends to request substantive changes to the waiver,
15 program, or project in its request to the federal agency, the state agency shall comply
16 with the procedures under sub. (3). If the state agency intends to renew the waiver,
17 program, or project without substantive changes, notwithstanding sub. (3) and
18 before submitting the renewal request to the federal agency, the state agency shall
19 submit a proposed renewal request to the joint committee on finance. If the
20 cochairpersons of the joint committee on finance do not notify the state agency within
21 14 working days after the date of the submittal of the proposed renewal request
22 under this subsection that the committee has scheduled a meeting for the purpose
23 of reviewing the proposed renewal request, the state agency may submit the
24 proposed renewal request. If, within 14 working days after the date of the submittal
25 of the proposed renewal request under this subsection, the cochairpersons of the

1 committee notify the state agency that the committee has scheduled a meeting for
2 the purpose of reviewing the proposed renewal request, the state agency may submit
3 the proposed renewal request only upon approval by the committee. After reviewing
4 the proposed renewal request and determining any changes requested are
5 substantive, the chairpersons of the joint committee on finance may require the state
6 agency to comply with any of the procedure under sub. (3). The procedures under s.
7 13.10 do not apply to this subdivision. subsection

8 (5) DELEGATION TO STANDING COMMITTEE. The chairpersons of the joint
9 committee on finance may delegate to a standing committee of the legislature of
10 appropriate subject matter jurisdiction any of the responsibilities of the joint
11 committee on finance under sub. (3). The chairpersons shall specify the terms of a
12 delegation under this subsection and shall determine what constitutes an approval
13 under a delegation under this subsection.

14 (6) FUNDING OR POSITION REDUCTION FOR NONCOMPLIANCE. If the joint committee
15 on finance determines that the applicable state agency has not made sufficient
16 progress in submitting the request, negotiating with the federal agency, or
17 implementing an approved portion of a request or is not acting in accordance with
18 the enacted legislation requiring the submission of the request, the joint committee
19 on finance may reduce the state agency's appropriation or expenditure authority,
20 whichever is applicable, or change the authorized level of full-time equivalent
21 positions for the state agency related to the program for which the request is required
22 to be submitted. The procedures under s. 13.10 do not apply to this subdivision. subsection

23

(END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6042(P1) e P2
TJD:kjf

In: 11/28

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT** *to create* 20.940 of the statutes; **relating to:** legislative oversight of
2 requests for waivers of federal law and pilot programs.

Analysis by the Legislative Reference Bureau

Withdrawal /

This bill generally provides for legislative oversight of requests for federal approval. The bill prohibits a state, executive branch agency from submitting a request to a federal agency for a waiver or renewal, modification, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project unless legislation has been enacted specifically directing the submission of the request. For any legislation enacted on or after January 1, 2014, that requires submission of a request that has not yet been submitted, the bill requires the applicable state agency to submit an implementation plan to the Joint Committee on Finance containing an expected timeline with an expected submission date to the federal agency no later than 90 days after the state agency submits the implementation plan to JCF, for which JCF may grant up to three 90-day extensions under its passive review process, and submit its final proposed request to JCF for approval.

Continue negotiations to obtain a progress report, submit monthly progress reports to JCF on negotiations with the federal agency including descriptions of any portions of the request that the federal agency stated will not be approved, make available on a quarterly basis a representative of the state agency for JCF briefings or hearings, and submit the proposed approval as negotiated with the federal agency to JCF for approval or

disapproval before agreeing with the final federal approval. When the federal agency has approved the request in whole or in part and the request has not been fully implemented, the state agency must submit an implementation plan to JCF, submit its final implementation plan to JCF for approval, and make available on a quarterly basis a representative of the state agency for JCF briefings or hearings.

No later than nine months before the expiration of an approved waiver, pilot program, or demonstration project, the state agency must notify JCF of the expiration date and the state agency's intent regarding renewal. If the state agency intends to renew the waiver, program, or project without substantive changes to it, the state agency is not required to comply with all of the procedures specified in the bill for renewal and instead may submit the proposed renewal request for review by JCF under its passive review process.

The chairpersons of JCF may delegate some of the committee's responsibilities under the bill to a legislative standing committee of appropriate subject matter jurisdiction under terms specified by the chairpersons. If JCF determines that the state agency has not made sufficient progress or is not acting in accordance with the enacted legislation requiring the submission of the request, JCF may reduce the agency's appropriation or expenditure authority or change the authorized level of full-time equivalent positions for the agency related to the program for which the request is required to be submitted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 20.940 of the statutes is created to read:

2 **20.940 Legislative authorization and oversight of requests to federal**
3 **government.** (1) DEFINITION. In this section, "state agency" means any office,
4 department, or independent agency in the executive branch of state government,
5 other than the Board of Regents of the University of Wisconsin System.

6 (2) LEGISLATIVE AUTHORIZATION REQUIRED. A state agency may not submit a
7 request to a federal agency for a waiver or a renewal, modification, ^{withdrawal,} suspension, or
8 termination of a waiver of federal law or rules or for authorization to implement a
9 pilot program or demonstration project unless legislation has been enacted
10 specifically directing the submission of the request for a waiver, renewal,
11 modification, ^{withdrawal,} suspension, termination, or authorization.

withdrawal,

1 (3) LEGISLATIVE OVERSIGHT OF REQUESTS TO FEDERAL AGENCIES. If submission to
2 a federal agency of a request for a waiver or renewal, modification, suspension, or
3 termination of a waiver of federal law or rules or for authorization to implement a
4 pilot program or demonstration project is required in legislation enacted on or after
5 January 1, ^{e 2011}2014, the state agency that is required to submit the request shall do all
6 of the following that apply:

7 (a) When the request has not been submitted to the applicable federal agency,
8 do all of the following:

9 1. Beginning 60 days after the enactment of the legislation requiring the
10 request or March 1, 2019, whichever is later, submit to the joint committee on finance
11 and, under s. 13.172 (3), an implementation plan describing the state agency's plan
12 for submitting the request including an expected timeline for submitting the request
13 in which the submission date is no later than 90 days after submission of the
14 implementation plan under this subdivision. If the state agency is unable to submit
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18 request and the reason an extension is needed. If the cochairpersons of the joint
19 committee on finance do not notify the state agency within 14 working days after the
20 date of the request for an extension under this subdivision that the committee has
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2 may be granted under this subdivision.

3 2. When the state agency has finalized its proposed request before submitting
4 the request to the federal agency, submit the proposed request to the joint committee
5 on finance for approval by the committee. The state agency may submit the proposed
6 request to the appropriate federal agency only upon approval by the committee. The
7 procedures under s. 13.10 do not apply to this subdivision.

8 (b) When the request has been submitted to the applicable federal agency but
9 has not been denied or approved by that federal agency, do all of the following:

10 1. Contact no less frequently than biweekly the federal agency considering the
11 request to ^{continue negotiations in furtherance of} obtain a progress report on approval of the request.

12 2. Beginning 30 days after the date of submission of the request to the federal
13 agency or March 1, 2019, whichever is later, and monthly thereafter, submit to the
14 joint committee on finance a progress report on negotiations with the federal agency
15 toward approval of the request. The state agency shall include in its monthly report
16 under this subdivision ^{any} a written description ^{from the federal agency regarding} of any portion of the request that the
17 federal agency has stated will not be approved.

18 3. Beginning 90 days after the date of submission of the request to the federal
19 agency, or March 1, 2019, whichever is later, and quarterly thereafter, make
20 available to the joint committee on finance a representative of the state agency to
21 brief the committee or provide testimony at a committee hearing at the committee's
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23 agency appearing in person before the committee has sufficient personal knowledge
24 of the negotiations and progress toward approval of the request to respond to
25 inquiries and requests for information by the committee.

The state agency shall request from the federal agency a description in writing
of any portions of the request that the federal agency has stated will not
be approved and reasons for not approving.

1 4. Before final approval of the request by the federal agency, submit the
2 proposed approval as negotiated with the federal agency to the joint committee on
3 finance for approval or disapproval. The joint committee on finance may approve or
4 disapprove but may not modify the proposed approval as negotiated with the federal
5 agency. The state agency may agree to final approval of the request only upon
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12 federal agency but has not been fully implemented by the applicable state agency, do
13 all of the following:

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15 the applicable federal agency, or March 1, 2019, whichever is later, submit to the joint
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3 the proposed renewal request only upon approval by the committee. After reviewing
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5 substantive, the cochairpersons of the joint committee on finance may require the
6 state agency to comply with any of the procedures under sub. (3). The procedures
7 under s. 13.10 do not apply to this subsection.

8 (5) DELEGATION TO STANDING COMMITTEE. The cochairpersons of the joint
9 committee on finance may delegate to a standing committee of the legislature of
10 appropriate subject matter jurisdiction any of the responsibilities of the joint
11 committee on finance under sub. (3). The cochairpersons shall specify the terms of
12 a delegation under this subsection and shall determine what constitutes an approval
13 under a delegation under this subsection.

14 (6) FUNDING OR POSITION REDUCTION FOR NONCOMPLIANCE. If the joint committee
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16 progress in submitting the request, negotiating with the federal agency, or
17 implementing an approved portion of a request or is not acting in accordance with
18 the enacted legislation requiring the submission of the request, the joint committee
19 on finance may reduce the state agency's appropriation or expenditure authority,
20 whichever is applicable, or change the authorized level of full-time equivalent
21 positions for the state agency related to the program for which the request is required
22 to be submitted. The procedures under s. 13.10 do not apply to this subsection.

23 (END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6042/P2

TJD:kjf

epB

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to create* 20.940 of the statutes; **relating to:** legislative oversight of
2 requests for waivers of federal law and pilot programs.

Analysis by the Legislative Reference Bureau

* This bill generally provides for legislative oversight of requests for federal approval. The bill prohibits a state, executive branch agency from submitting a request to a federal agency for a waiver or renewal, modification, withdrawal, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project unless legislation has been enacted specifically directing the submission of the request. For any legislation enacted on or after January 1, 2014, ²⁰¹¹ that requires submission of a request that has not yet been submitted, the bill requires the applicable state agency to submit an implementation plan to the Joint Committee on Finance containing an expected timeline with an expected submission date to the federal agency no later than 90 days after the state agency submits the implementation plan to JCF, for which JCF may grant up to three 90-day extensions under its passive review process, and submit its final proposed request to JCF for approval.

Once the request has been submitted to the federal agency, the bill requires the state agency to do all of the following: make biweekly contact with the federal agency to continue negotiations, submit monthly progress reports to JCF on negotiations with the federal agency including descriptions of any portions of the request that the federal agency stated will not be approved, make available on a quarterly basis a representative of the state agency for JCF briefings or hearings, and submit the proposed approval as negotiated with the federal agency to JCF for approval or

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1 SECTION 1. 20.940 of the statutes is created to read:

2 **20.940 Legislative authorization and oversight of requests to federal**
3 **government. (1) DEFINITION.** In this section, "state agency" means any office,
4 department, or independent agency in the executive branch of state government,
5 other than the Board of Regents of the University of Wisconsin System.

6 **(2) LEGISLATIVE AUTHORIZATION REQUIRED.** A state agency may not submit a
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9 implement a pilot program or demonstration project unless legislation has been
10 enacted specifically directing the submission of the request for a waiver, renewal,
11 modification, withdrawal, suspension, termination, or authorization.

1 **(3) LEGISLATIVE OVERSIGHT OF REQUESTS TO FEDERAL AGENCIES.** If submission to
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5 enacted on or after January 1, 2011, the state agency that is required to submit the
6 request shall do all of the following that apply:

7 (a) When the request has not been submitted to the applicable federal agency,
8 do all of the following:

9 1. Beginning 60 days after the enactment of the legislation requiring the
10 request or March 1, 2019, whichever is later, submit to the joint committee on finance
11 an implementation plan describing the state agency's plan for submitting the
12 request including an expected timeline for submitting the request in which the
13 submission date is no later than 90 days after submission of the implementation plan
14 under this subdivision. If the state agency is unable to submit the request by the date
15 specified in the implementation plan, the state agency may request from the joint
16 committee on finance an extension not to exceed 90 days in a written submission that
17 includes a report on the progress toward submission of the request and the reason
18 an extension is needed. If the cochairpersons of the joint committee on finance do not
19 notify the state agency within 14 working days after the date of the request for an
20 extension under this subdivision that the committee has scheduled a meeting for the
21 purpose of reviewing the extension request, the extension is considered granted. If,
22 within 14 working days after the date of the request for an extension under this
23 subdivision, the cochairpersons of the committee notify the state agency that the
24 committee has scheduled a meeting for the purpose of reviewing the extension
25 request, the state agency may consider the extension granted only upon approval by

1 the committee. No more than 3 90-day extensions may be granted under this
2 subdivision.

3 2. When the state agency has finalized its proposed request before submitting
4 the request to the federal agency, submit the proposed request to the joint committee
5 on finance for approval by the committee. The state agency may submit the proposed
6 request to the appropriate federal agency only upon approval by the committee. The
7 procedures under s. 13.10 do not apply to this subdivision.

8 (b) When the request has been submitted to the applicable federal agency but
9 has not been denied or approved by that federal agency, do all of the following:

10 1. Contact no less frequently than biweekly the federal agency considering the
11 request to continue negotiations in furtherance of approval of the request.

12 2. Beginning 30 days after the date of submission of the request to the federal
13 agency or March 1, 2019, whichever is later, and monthly thereafter, submit to the
14 joint committee on finance a progress report on negotiations with the federal agency
15 toward approval of the request. The state agency shall request from the federal
16 agency a description in writing of any portions of the request that the federal agency
17 has stated will not be approved and reasons for not approving. The state agency shall
18 include in its monthly report under this subdivision any written description from the
19 federal agency regarding any portion of the request that the federal agency has
20 stated will not be approved.

21 3. Beginning 90 days after the date of submission of the request to the federal
22 agency, or March 1, 2019, whichever is later, and quarterly thereafter, make
23 available to the joint committee on finance a representative of the state agency to
24 brief the committee or provide testimony at a committee hearing at the committee's
25 request. The state agency shall ensure that at least one representative of the state

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2 of the negotiations and progress toward approval of the request to respond to
3 inquiries and requests for information by the committee.

4 4. Before final approval of the request by the federal agency, submit the
5 proposed approval as negotiated with the federal agency to the joint committee on
6 finance for approval or disapproval. The joint committee on finance may approve or
7 disapprove but may not modify the proposed approval as negotiated with the federal
8 agency. The state agency may agree to final approval of the request only upon
9 approval by the joint committee on finance. If the joint committee on finance
10 disapproves, the state agency shall withdraw the request or renegotiate the request
11 with the federal agency and resubmit the proposed approval as renegotiated to the
12 joint committee on finance for approval or disapproval. The procedures under s.
13 13.10 do not apply to this subdivision.

14 (c) When the request has been approved in whole or in part by the applicable
15 federal agency but has not been fully implemented by the applicable state agency, do
16 all of the following:

17 1. Beginning 60 days after the date of approval of any portion of the request by
18 the applicable federal agency, or March 1, 2019, whichever is later, submit to the joint
19 committee on finance an implementation plan for the approved portions of the
20 request including the expected timeline for final implementation of the request in
21 accordance with the federal agency's approval. When the state agency submits an
22 implementation plan that it considers its final implementation plan, the state
23 agency may not implement the approved portions of the request until the joint
24 committee on finance approves the final implementation plan. The procedures
25 under s. 13.10 do not apply to this subdivision.

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2 and monthly thereafter, submit to the joint committee on finance a progress report
3 on implementation of the approved portions of the request.

4 3. Beginning 90 days after the date of approval of any portion of the request by
5 the federal agency, ^{for March 1, 2019; whichever is later;} and quarterly thereafter, make available to the joint committee
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7 testimony at a committee hearing at the committee's request. The state agency shall
8 ensure that at least one representative of the state agency appearing in person before
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10 toward implementation of the approval of the request to respond to inquiries and
11 requests for information by the committee.

12 (4) REQUESTS FOR RENEWAL. No later than 9 months before the expiration of an
13 approved waiver of federal law, pilot program, or demonstration project for which no
14 legislation has been enacted specifying that the waiver, program, or project must be
15 suspended or terminated, the state agency shall submit a written notice to the joint
16 committee on finance of the expiration date and the state agency's intent regarding
17 renewal. If the state agency intends to request substantive changes to the waiver,
18 program, or project in its request to the federal agency, the state agency shall comply
19 with the procedures under sub. (3). If the state agency intends to renew the waiver,
20 program, or project without substantive changes, notwithstanding sub. (3) and
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22 submit a proposed renewal request to the joint committee on finance. If the
23 cochairpersons of the joint committee on finance do not notify the state agency within
24 14 working days after the date of the submittal of the proposed renewal request
25 under this subsection that the committee has scheduled a meeting for the purpose

1 of reviewing the proposed renewal request, the state agency may submit the
2 proposed renewal request. If, within 14 working days after the date of the submittal
3 of the proposed renewal request under this subsection, the cochairpersons of the
4 committee notify the state agency that the committee has scheduled a meeting for
5 the purpose of reviewing the proposed renewal request, the state agency may submit
6 the proposed renewal request only upon approval by the committee. After reviewing
7 the proposed renewal request and determining any changes requested are
8 substantive, the cochairpersons of the joint committee on finance may require the
9 state agency to comply with any of the procedures under sub. (3). The procedures
10 under s. 13.10 do not apply to this subsection.

11 (5) DELEGATION TO STANDING COMMITTEE. The cochairpersons of the joint
12 committee on finance may delegate to a standing committee of the legislature of
13 appropriate subject matter jurisdiction any of the responsibilities of the joint
14 committee on finance under sub. (3). The cochairpersons shall specify the terms of
15 a delegation under this subsection and shall determine what constitutes an approval
16 under a delegation under this subsection.

17 (6) FUNDING OR POSITION REDUCTION FOR NONCOMPLIANCE. If the joint committee
18 on finance determines that the applicable state agency has not made sufficient
19 progress in submitting the request, negotiating with the federal agency, or
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21 the enacted legislation requiring the submission of the request, the joint committee
22 on finance may reduce the state agency's appropriation or expenditure authority,
23 whichever is applicable, or change the authorized level of full-time equivalent

1 positions for the state agency related to the program for which the request is required
2 to be submitted. The procedures under s. 13.10 do not apply to this subsection.

3 (END)



11/30

TK Abbey - Rep Vos's office
20.940 (6)

specify that JFC may reduce only
state operations and administrative
moneys - not benefit amounts



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6042/P3
TJD:kjf

P4

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT** *to create* 20.940 of the statutes; **relating to:** legislative oversight of
2 requests for waivers of federal law and pilot programs.

Analysis by the Legislative Reference Bureau

This bill generally provides for legislative oversight of requests for federal approval. The bill prohibits a state, executive branch agency from submitting a request to a federal agency for a waiver or renewal, modification, withdrawal, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project unless legislation has been enacted specifically directing the submission of the request. For any legislation enacted on or after January 1, 2011, that requires submission of a request that has not yet been submitted, the bill requires the applicable state agency to submit an implementation plan to the Joint Committee on Finance containing an expected timeline with an expected submission date to the federal agency no later than 90 days after the state agency submits the implementation plan to JCF, for which JCF may grant up to three 90-day extensions under its passive review process, and submit its final proposed request to JCF for approval.

Once the request has been submitted to the federal agency, the bill requires the state agency to do all of the following: make biweekly contact with the federal agency to continue negotiations, submit monthly progress reports to JCF on negotiations with the federal agency including descriptions of any portions of the request that the federal agency stated will not be approved, make available on a quarterly basis a representative of the state agency for JCF briefings or hearings, and submit the proposed approval as negotiated with the federal agency to JCF for approval or

disapproval before agreeing with the final federal approval. When the federal agency has approved the request in whole or in part and the request has not been fully implemented, the state agency must submit an implementation plan to JCF, submit its final implementation plan to JCF for approval, and make available on a quarterly basis a representative of the state agency for JCF briefings or hearings.

No later than nine months before the expiration of an approved waiver, pilot program, or demonstration project, the state agency must notify JCF of the expiration date and the state agency's intent regarding renewal. If the state agency intends to renew the waiver, program, or project without substantive changes to it, the state agency is not required to comply with all of the procedures specified in the bill for renewal and instead may submit the proposed renewal request for review by JCF under its passive review process.

The chairpersons of JCF may delegate some of the committee's responsibilities under the bill to a legislative standing committee of appropriate subject matter jurisdiction under terms specified by the chairpersons. If JCF determines that the state agency has not made sufficient progress or is not acting in accordance with the enacted legislation requiring the submission of the request, JCF may reduce the agency's appropriation or expenditure authority or change the authorized level of full-time equivalent positions for the agency related to the program for which the request is required to be submitted.

from moneys allocated for state operations or administrative functions

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 20.940 of the statutes is created to read:

2 **20.940 Legislative authorization and oversight of requests to federal**
3 **government.** (1) DEFINITION. In this section, "state agency" means any office,
4 department, or independent agency in the executive branch of state government,
5 other than the Board of Regents of the University of Wisconsin System.

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3 (END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6042/P4
TJD:kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT** *to create* 20.940 of the statutes; **relating to:** legislative oversight of
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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 20.940 of the statutes is created to read:

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1 of reviewing the proposed renewal request, the state agency may submit the
2 proposed renewal request. If, within 14 working days after the date of the submittal
3 of the proposed renewal request under this subsection, the cochairpersons of the
4 committee notify the state agency that the committee has scheduled a meeting for
5 the purpose of reviewing the proposed renewal request, the state agency may submit
6 the proposed renewal request only upon approval by the committee. After reviewing
7 the proposed renewal request and determining any changes requested are
8 substantive, the cochairpersons of the joint committee on finance may require the
9 state agency to comply with any of the procedures under sub. (3). The procedures
10 under s. 13.10 do not apply to this subsection.

11 (5) DELEGATION TO STANDING COMMITTEE. The cochairpersons of the joint
12 committee on finance may delegate to a standing committee of the legislature of
13 appropriate subject matter jurisdiction any of the responsibilities of the joint
14 committee on finance under sub. (3). The cochairpersons shall specify the terms of
15 a delegation under this subsection and shall determine what constitutes an approval
16 under a delegation under this subsection.

17 (6) FUNDING OR POSITION REDUCTION FOR NONCOMPLIANCE. If the joint committee
18 on finance determines that the applicable state agency has not made sufficient
19 progress in submitting the request, negotiating with the federal agency, or
20 implementing an approved portion of a request or is not acting in accordance with
21 the enacted legislation requiring the submission of the request, the joint committee
22 on finance may reduce from moneys allocated for state operations or administrative
23 functions the state agency's appropriation or expenditure authority, whichever is
24 applicable, or change the authorized level of full-time equivalent positions for the

1 state agency related to the program for which the request is required to be submitted.

2 The procedures under s. 13.10 do not apply to this subsection.

3 (END)
